

09/23/03
18351 U.S. PTO

MAIL STOP PATENT APPLICATION

Atty. Docket No.: 25007-A

22154 U.S. PTO
10/667524
09/23/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wolf-Rüdiger ULRICH, et al.

Serial No.: Not yet assigned

Filing Date: September 23, 2003

Title: **PROCESS AND INTERMEDIATES FOR THE PREPARATION OF
IMIDAZOPYRIDINES**

FILING FORM

FOR DIVISIONAL U.S. PATENT APPLICATION

Commissioner of Patents
Alexandria, Virginia 22313-1450

Sir:

1. This is a Request for filing a
 ___ Continuation Application under:
 ___ 37 CFR § 1.53(b)(1)
 x Divisional Application under:
 x 37 CFR § 1.53(b)(1)
 ___ Continuation-In-Part (CIP) application
 ___ 37 CFR § 1.53(b)(2)

of **prior** ("parent") application:

Serial No. 10/149,290

Filed: June 11, 2002

Entitled: **PROCESS AND INTERMEDIATES FOR THE
PREPARATION OF IMIDAZOPYRIDINES**

which is an application under 35 U.S.C. §371 of:

International Application No.: PCT/EP01/00261

International Filing Date: January 11, 2001

Entitled: **PROCESS AND INTERMEDIATES FOR THE PREPARATION OF
IMIDAZOPYRIDINES**

2. X *Enclosed for application under 37 CFR §§ 1.53(b) are:
 12 pages of text (specification, claims, abstract)
 6 claims
 0 sheets of drawings

3. The **present** application names the following inventor(s):

Wolf-Rüdiger ULRICH
 Christian SCHEUFLE
 Thomas FUCHSS
 Jörg SENN-BILFINGER

____ (37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

____ Enter the Amendment filed in the prior patent application on _____ prior to calculating the filing fee.

XX Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)		(Col 2)		SMALL ENTITY		OR	NON-SMALL ENTITY	
TOTAL	NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS	RATE	FEE		RATE	FEE
	4	minus 20	0	x9=	0		x18=	0
INDEP	1	minus 3	0	x42=	0		x84=	0
BASE FILING FEE:				+375=	0		+750=	750
<u>xx</u> Multiple Dependent Claims				+140=	0		+280=	0
				TOTAL	0	OR	TOTAL	750

____ Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:
 ____ was filed in the parent application, and small entity status is still proper and desired (Rules 60, 62 only);
 ____ is filed herewith;
 ____ will be filed at a later date.

X A check including the above-indicated filing fee is enclosed.

____ A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$____ extension fee.

- ☐ Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$40.00 per Assignment.
- ☐ No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR §§ 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).
- ☒ The prior application is assigned of record to BYK Gulden Fabrik Lomberg Chemische Fabrik GmbH, BYK-Gulden-Strasse 2, D-78467 Konstanz, GERMANY, the Assignment being recorded on June 11, 2002, on Reel 013320, Frame(s) 0509, which in turn assigned the application to Altana Pharma AG, BYK-Gulden-Strasse 2, D-78467 Konstanz, GERMANY, the Assignment being recorded on August 7, 2002, on Reel 013169, Frame(s) 0604.
- ☐ An original executed Declaration is enclosed.
- ☒ Amend the specification by inserting before the first line the sentence:
- This application is a divisional application of U.S. patent application Serial No. 10/149,290, filed June 11, 2002, which is an application under 35 U.S.C. §371 of International Application No. PCT/EP01/00261 having an International Filing Date of January 11, 2001, the contents of which are hereby incorporated by reference in its entirety.--
- ☒ Foreign priority under 35 U.S.C. § 119 of GERMANY application(s) 10001037.7, filed January 13, 2000, is hereby claimed. The certified priority paper(s):
- ☒ was/were filed in the parent case;
- ☐ is/are enclosed herewith;
- ☐ will be submitted at a later date.
- ☒ The power of attorney in the prior application is to Gary M. Nath, Registration No. 26,965, Customer No. 20529.
- ☒ The power appears in the original papers in the prior application.

X Address all future communications to:

Gary M. Nath
NATH & ASSOCIATES PLLC
1030 15th Street, N.W.- 6th Floor
Washington, D.C. 20005

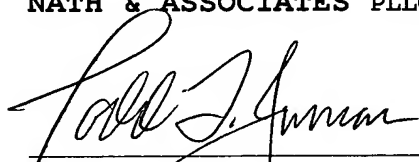
— If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

X The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17 which may be required, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: September 23, 2003



Gary M. Nath
Registration No. 26,965
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Registration No. 40,669
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(Divisional of U.S. Patent Application No. 10/149,290, filed June 11, 2002)

TRANSMITTAL LETTER

The Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter
- (2) Filing Form For Divisional U.S. Patent Application
- (3) Divisional application including:
 - 12 Pages Application Consisting of:
 - 1 Cover Sheet containing the Abstract
 - 9 Pages of Textual Specification
 - 2 Pages of 6 Claims
 - 0 sheets of drawings
- (4) Preliminary Amendment
- (5) Copy of executed Declaration from parent application
- (6) Check No. 19390 \$750.00 for filing fee
- (7) Postcard for early notification of serial number

Respectfully submitted,

NATH & ASSOCIATES PLLC

By: 

Gary M. Nath
Registration No. 26,965
Todd L. Juneau
Registration No. 40,669
Customer No. 34375

Date: September 23, 2003

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GMN/TLJ/lis:DIVappl.trans